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 7 Attorneys for Plaintiff Joseph Ciampi

8 UNITED STATES DISTRICT COURT
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10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 (SAN JOSE DIVISION)

12
 13 JOSEPH CIAMPI

Case No. C 09 02655 PVT

14 Plaintiff,

15 v.

16 CITY OF PALO ALTO, a government
 17 entity; LYNNE JOHNSON, an individual;
 18 CHIEF DENNIS BURNS, an individual;
 19 OFFICER KELLY BURGER, an
 20 individual; OFFICER MANUEL
 21 TEMORES, an individual; OFFICER
 22 APRIL WAGNER, an individual; AGENT
 DAN RYAN; SERGEANT NATASHA
 POWERS, an individual.

**DECLARATION OF ANDREW F.
 PIERCE IN SUPPORT OF
 ADMINISTRATIVE MOTION FOR
 ORDER PERMITTING PIERCE &
 SHEARER, LLP TO WITHDRAW AS
 COUNSEL OF RECORD AND REQUEST
 FOR CONTINUANCE OF TRIAL DATE
 AND ALL RELATED DEADLINES**

[Civil L.R. 11-5]

[Civil L.R. 7-11]

23 Defendants.

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2 I, Andrew F. Pierce, hereby declare as follows:

3 1. I am the lead counsel for plaintiff Joseph Ciampi in this matter. We have reluctantly
4 come to the conclusion that we cannot continue to represent Mr. Ciampi as he has made it
5 impossible for us to do so. We do not come to this decision lightly.

6 2. I was brought into this matter at the urging of Aram James. As the court may recall, I
7 represented Mr. James in a civil rights lawsuit against Santa Clara County assigned to Judge
8 Fogel.

9 3. Mr. Ciampi is not interested in the opinions of the lawyers at our firm, including
10 myself. He disagrees with our legal strategy, our assessment of evidence, our evaluation of the
11 responsible parties, and our evaluation of the strategies for trial and/or settlement. When we
12 took the case we knew that Mr. Ciampi, like many victims of official misconduct, had strong
13 feelings about the matter. What we did not anticipate was his escalating hostility to his own
14 attorneys.

15 4. There are limitations on what we can and will disclose because we do not wish to
16 reveal attorney client confidential communications or impact Mr. Ciampi's case. If necessary,
17 we can provide detailed, privileged information in an *in camera* hearing.

18 5. Generally, Mr. Ciampi has repeatedly accused us of failing to adequately represent
19 his interests and withholding information. At various times, he has insisted that we take
20 approaches to the case that we believe are unwise.

21 6. At various times Mr. Ciampi has accused us of intentionally failing to obtain evidence
22 that he believes is pertinent to his claims, although Mr. Ciampi has been consulted on all stages
23 of the discovery process. Given that discovery does not close until mid September, we have
24 employed and paid the expert Mr. Ciampi selected, and we have reviewed evidence with him in

1 great detail, we believe Mr. Ciampi does not have a reasonable basis for that belief. Such
2 charges greatly impact our ability to represent him, as we are constantly distracted by his
3 accusations.

4 7. Mr. Ciampi told third parties that I told him his case was worth various dollar
5 amounts. None of the figures he has mentioned to third parties were figures that I ever told him
6 represented the value of his case. While I understand that Mr. Ciampi may have misunderstood
7 things he has been told, we cannot tolerate his repeating incorrect information to third parties
8 outside the context of confidentiality and accusing us of misrepresenting the case to him.

9 8. In an email on March 27, 2010 to Aram James and others, Mr. Ciampi accused me of
10 lying to him about the forensic evidence. Mr. Ciampi also referred to me personally as a “total
11 fraud,” and accused me of intentionally sabotaging the case in order to protect the Palo Alto
12 police department.

13 9. While I believe Mr. Ciampi has legitimate grounds for his suit, Mr. Ciampi clearly
14 needs to find a new attorney, and to respect that attorney’s professional opinions, honor their
15 request not to disclose attorney client communications, and generally cooperate with that person
16 or persons. We have tolerated Mr. Ciampi for as long as was reasonable, and more. We cannot
17 work with him further. We have repeatedly attempted to get him to sign a substitution of
18 attorney, but the conditions that he has placed on that, which include changes to the court’s
19 schedule that are not achievable unilaterally, have made that impossible.

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1 10. We respectfully request that the court continue all existing calendar dates for at least
2 six months so that Mr. Ciampi can locate a new attorney and proceed with his case.
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5 I declare under penalty of perjury under the laws of the State of California that the
6 foregoing is true and correct. Executed this 16th day of April at Palo Alto, California.
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9 PIERCE & SHEARER, LLP
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12 Andrew F. Pierce
13 Attorney for Plaintiff Joseph Ciampi
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